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GOVERNMENT OF THE
PEOPLES' REPUBLIC OF BANGLADESH

*THIRD LOCAL GOVERNANCE
SUPPORT PROJECT (LGSP3)*

**SMALL ETHNIC GROUP
PLANNING FRAMEWORK
(SEGPF)**

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**LOCAL GOVERNMENT DIVISION (LGD)
MINISTRY OF LOCAL GOVERNMENT,
RURAL DEVELOPMENT & COOPERATIVES**

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ABBREVIATIONS

<i>CBO</i>	Community Based Organization
<i>DDLG</i>	Deputy Director - Local Government
<i>DFT</i>	District Facilitator Team
<i>GOB</i>	Government of Bangladesh
<i>GRC</i>	Grievance Redress Committee
<i>GRM</i>	Grievance Redress Mechanism
<i>IDA</i>	International Development Agency
<i>IPP</i>	Indigenous Peoples Plan
<i>LGD</i>	Local Government Division
<i>LGSP</i>	First Local Governance Support Project
<i>LGSP2</i>	Second Local Governance Support Project
<i>LGSP3</i>	Third Local Governance Support Project
<i>MOLGRD&C</i>	Ministry of Local Government, Rural Development & Cooperatives
<i>NGO</i>	Non-Government Organization
<i>NPD</i>	National Project Director
<i>OP 4.10</i>	Operational Policy 4.10 on Indigenous Peoples
<i>OP 4.12</i>	Operational Policy 4.12 on Involuntary Resettlement
<i>PS</i>	Pourasabha
<i>SEGPF</i>	Small Ethnic Group Planning Framework
<i>SEGP</i>	Small Ethnic Group Plan
<i>UP</i>	Union Parishad
<i>URT</i>	Upazila Resource Team
<i>UZP</i>	Upazila Parishad
<i>WB</i>	World Bank

SMALL ETHNIC GROUP PLANNING FRAMEWORK

EXECUTIVE SUMMARY

INTRODUCTION

1. This Small Ethnic Group Planning Framework (SEGPF) is proposed to deal with social safeguard issues and impacts that may arise during implementation of rural infrastructure schemes under the Third Local Governance Support Project (LGSP3), in Unions and Pourasabhas inhabited by peoples belonging to small ethnic groups. As required by the Bank's project financing policy, the Local Government Division (LGD) will use the principles, policies and guidelines adopted in this framework to assess social safeguard issues and impacts, and adopt and implement appropriate measures to mitigate them in compliance with its Operational Policy on Indigenous Peoples (OP 4.10)¹. It is to be noted that with the guidance of LGD Union Parishads and Pourasabhas will actually implement the project components that will be financed with block grants.

2. In terms of spatial distribution, the largest proportion of the country's small SEG population lives in the three districts of the Chittagong Hill Tracts (CHT): Bandarban, Rangamati and Khagrachari, which are also heavily populated by mainstream peoples. The rest is dispersed in the plains districts where they generally live in physically separated settlements among the mainstream communities. Impacts on SEGs would vary in terms of geographical area; scope of work under an infrastructure scheme and, most importantly, the tenure to the lands they live in and use them for livelihood, as well as access to common property resources. The nature and magnitude of impacts on SEGs will be known only after a scheme site is selected on the ground and screened to identify the actual impacts and consultations are carried out with the SEG communities and other stakeholders. *The SEGPF as proposed here outlines principles, policies, guidelines and procedure to identify impact issues and potential risks and, if required, formulate and execute Small Ethnic Group Plan (SEGP), wherever a selected scheme is found to cause adverse social impacts on SEGs.*

DEFINING THE SEG PEOPLES

3. As the peoples of small ethnic group (the indigenous peoples in the Bank's OP 4.10) are found to live in varied and changing contexts, no single definition can adequately capture their diversity. As such, LGD will use the World Bank's guidelines to identify SEGs in particular geographic areas by examining the following characteristics:

- Self-identification as members of a distinct tribal cultural group and recognition of this identity by others;

¹. The Government of Bangladesh (GOB) does not recognize any community as "indigenous". The communities, which conform to the World Bank's definition of "indigenous peoples", are a group of peoples that belong to the GOB's Small Ethnic Group (SEG) that may include various other minority groups. In this document, they are being referred to as "SEGs". For all operational purposes, the Bank's definition of Indigenous Peoples, as provided in its OP 4.10, has been strictly adhered to.

- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- A tribal language, often different from the official language of the country or region.

LGSP3 & ITS SOCIAL SAFEGUARD IMPLICATIONS

4. The experiences gained from the two previous versions of the project, LGSP3 is unlikely to cause any notable adverse impacts on the local communities, including the SEGs. Given the lack of financial and technical resources of the Union Parishads (UPs) and Pourasabhas to manage land acquisition and the associated adverse impacts, private land acquisition has been completely restricted under LGSP3. Nevertheless, the SEGPF has provided some simple guidelines for using small amounts of public and private lands in cases of schemes that are of critical importance. These are founded on the principles of community cooperation and good governance. In cases of schemes in areas/wards inhabited by SEGs, especially in the CHT districts, it is imperative to assess the situation on the ground. Customary tenure, which is administered by traditional SEG institutions, is still likely to be the most prominent form of tenure in the CHT districts. But Bangladesh land administration system does not recognize customary tenure and, as a result, all such lands are most likely to be recorded as khas under ownership of the Land Ministry or other ministries.

IMPACT MITIGATION & DEVELOPMENT MEASURES

5. Considering the general vulnerability of SEGs everywhere, LGD and UP/Pourasabhas will select the scheme sites according to the following guidelines:

- Will not displace SEG households from their present homesteads – even if they are located on lands under customary tenure -- and isolate some from the rest who have been living together in the same settlement, in order to protect their social relationships and support networks. *This will apply irrespective of wherever they live – in the plains or CHT districts and irrespective of tenures under which they use the lands for living.*
- *To use lands under customary use, LGD and UPs/Pourasabhs will work out the impact mitigation measures in close consultations with the SEGs, with the provisions that they do not become economically worse-off and their traditional/cultural ways of life remain protected.*

OBJECTIVES OF SEG PLANS

6. The primary objective is to ensure that infrastructure and other schemes undertaken by LGD and UPs/Pourasabhas and funded by block grants do not adversely affect SEGs and that they receive culturally compatible social and economic benefits. This will require LGD and UPs/Pourasabhas to work with the following strategic objectives:

- Screen all scheme sites and their vicinities to determine presence of TPs and, if so, ensure their direct participation in site selection, design and implementation of all physical works;
- Select the scheme sites and determine the scopes of physical works to avoid or minimize, to the extent feasible, adverse impacts;

- Adopt socially and culturally appropriate measures to mitigate the unavoidable adverse impacts, where the SEG communities would play the most important role; and
- Wherever feasible, adopt special measures – in addition to those for impact mitigation – to reinforce and promote any available opportunities for socioeconomic development of the affected SEG communities.

SEG PLANNING PRINCIPLES

7. In accordance with the Bank's requirements, LGD proposes the following principles, guidelines and procedure to prepare SEG Plans, where scheme activities are found to affect them. To avoid or minimize adverse impacts and, at the same time, ensure culturally appropriate benefits, LGD and UPs/Pourasabhas will apply the following basic principles in site selection, and design and implementation of the schemes. (SEGPF contains SEG Plan contents and the areas that are to be investigated.)

8. *SEGP Basic Planning Principles*. Where SEGs are present in the scheme sites and its vicinities and are likely to be affected, LGD and UPs/Pourasabhas will:

- Ensure that SEG communities in general and their organizations are fully included in the selection of particular sites, and design and implementation of the scheme activities.
- Carefully screen the scheme activities, together with SEGs for a preliminary understanding of the nature and magnitude of potential adverse impacts, and explore alternatives to avoid or minimize them. (A Social Safeguard Screening Form is provided in *Annex I*)
- Where alternatives are infeasible and adverse impacts are unavoidable, immediately make an assessment of the key impact issues, together with SEGs and others knowledgeable of SEG culture and concerns.
- Undertake the necessary tasks to identify the impact details and the most appropriate mitigation measures, through intensive consultations with the affected SEG communities and organizations, civil society organization like NGOs and CBOs, professionals, and the like.
- *Not select any site where the SEG communities remain unconvinced to offer broad based community support for the scheme (details in SEGPF).*

SEG PARTICIPATION AND CONSULTATIONS

9. Participation of SEGs in the selection of scheme sites and activities, as well as their design and implementation will largely determine the extent to which the SEG Plan objectives would be achieved. Where adverse impacts on SEGs are likely, LGD and UPs/Pourasabhas will undertake free, prior and informed consultations with the affected SEG communities and those who work with and/or are knowledgeable of SEG development issues and concerns. To facilitate effective participation, LGD and UPs/Pourasabhas will follow a time-table to consult the would-be affected SEG communities at different stages of the scheme selection process. *The primary objectives are to examine whether there is broad community consensus in support of the scheme and to seek community inputs/feedbacks to avoid or minimize the adverse impacts associated with the chosen site; identify the impact mitigation measures; and assess and adopt economic opportunities which*

LGD could promote to complement the measures required to mitigate the adverse impacts. (SEGPF contains detailed consultation guidelines and a Consultation Matrix.)

PUBLIC DISCLOSURE

10. The SEGPF and all mitigation plans will be subjected to World Bank review and clearance *prior* to public disclosure. After receipt of the Bank clearance, LGD will disclose the SEGPF in local language², to the public in Bangladesh, and authorize the World Bank to disclose it at its Country Office Information Center and Infoshop. LGD will also post the entire SEGPF and its translation in its website, and inform the public through notification in two national newspapers (Bangla and English) about where they could be accessed for review and comments. In addition, the Bangla translation of the document will be made available at the District, Upazila, Union and Paurasabha levels.

² There is no formal SEG language that can be used for translation. Although the different SEG communities use different spoken language/dialect, the literate SEGs learn to read and write in Bangla.

THIRD LOCAL GOVERNANCE SUPPORT PROJECT

SMALL ETHNIC GROUP PLANNING FRAMEWORK

INTRODUCTION

1. This Small Ethnic Group Planning Framework (SEGPF)³ is proposed to deal with social safeguard issues and impacts that may arise under the Third Local Governance Support Project (LGSP3), in areas and localities inhabited by the peoples of small ethnic groups, as well as to identify and address their socioeconomic development concerns under the project's scope of works. LGSP3 is aimed, inter alia, at helping the Union Parishads (UPs) to develop small-scale rural infrastructures and provide other services to the local communities. The Local Government Division (LGD) under the Ministry of Local Government, Rural Development and Cooperatives (MOLGRD&C) is preparing and will implement the project with financial support of the World Bank.

2. As to financial support, the project financing policy of the World Bank requires the borrowers to assess potential social safeguard issues and impacts during project preparation, and adopt and implement appropriate measures to mitigate them, in compliance with its specified operational policies on social safeguards: OP 4.12 on Involuntary Resettlement and OP 4.10 on Indigenous Peoples. And it is determined that LGSP3 has the potential to trigger OP 4.10 on Indigenous Peoples and the provisions adopted in this SEGPF are consistent with this operational policy.⁴ It is to be noted that SEGPF (previously Indigenous Peoples Planning Framework or IPPF) was a part of Environmental and Social Management Framework (ESMF). But it is now prepared as a *standalone* document as required by the Bank's Regional Safeguards Advisor.

3. Applicability of the OP 4.10 on Indigenous Peoples will generally depend on the presence of the peoples of this particular small ethnic group (now on SEG) in the Unions and Wards where infrastructure schemes are being undertaken, which could threaten their culture and way of life, including the present livelihood activities. In terms of spatial distribution, the largest proportion of the country's small population of SEG lives in the three districts of the Chittagong Hill Tracts (CHT): Bandarban, Rangamati and Khagrachari. These districts are also heavily populated by mainstream peoples especially after transmigration that started in the late 1970s. The rest of the SEGs is dispersed in the plains districts where they generally live in physically separated settlements among the mainstream communities. As a result, impacts on SEGs would vary in terms of geographical area; the kinds of land-based schemes that will be implemented; and most importantly the tenure to the lands they live in and use them in any manner for their livelihood, including access to common property resources.

³ Since the Government of Bangladesh does not recognize the terminology "indigenous" and calls them a group of people belonging to the small ethnic community, it is decided that the "indigenous" peoples in the Bank's operational policy should be referred to as peoples of Small Ethnic Group. But for all operational purposes this ethnic group fully corresponds to the definition of indigenous peoples given in the OP 4.10. In this document, SEG will always mean "indigenous peoples", except where references are made to the Bank policy..

⁴ Although social safeguard impacts are more likely to be caused by land-based infrastructures, OP 4.12 on Involuntary Resettlement has not been triggered. Because the Union Parishads (UPs) do not have the required financial resources and technical capacity to acquire private lands and deal with the associated resettlement issues. Nevertheless, a set of simple guidelines have been provided in the Social Management Framework (SMF) to obtain private and public lands in cases of schemes that are of critical importance. The same guidelines will apply if the schemes are implemented in areas inhabited by SEG.

4. LGD has prepared and implemented the initial LGSP with direct inputs from a considerable number of UPs, local communities and other stakeholders like Upazila Parishads, local administration, organizations working at the Union levels. Preparation of the LGSP2 used the lessons learned from the first LGSP and strengthened certain aspects related to dealing with social safeguards issues, including monitoring of impacts and the measures undertaken to mitigate the adverse impacts. As LGSP2 is coming to a close in the near future, LGD has started preparation of LGSP3. As expected, this third version of the project has taken into account the experiences gained from design and implementation of both initial LGSP and LGSP2.

5. The nature and magnitude of impacts on SEGs will be known only after schemes and their locations are selected on the ground and are screened to identify the actual impacts and consultations are carried out with the SEG communities and other relevant stakeholders. In the previous two projects, schemes were implemented in Unions and Wards that were inhabited by both SEGs and mainstream communities. There were no schemes implemented exclusively for SEGs. There are Unions which had elected SEG representatives in the Union Parishads. There were also SEG members on Ward Committees (WCs) that select, design and implement schemes funded by the Block Grants (BGs). After planned migration of mainstream peoples, which still goes on to a lesser extent, it is extremely unlikely that there are SEG-only Unions in the Chittagong Hill Tracts. Wherever they reside is more likely to be with the mainstream peoples. Since the project covers almost all Unions across the country, LGD has decided to formally adopt this SEGPF to address SEG issues and concerns, as and when schemes are proposed in Unions and Wards that are also inhabited by peoples of this small ethnic group. *The proposed SEGPF outlines principles, policies, guidelines and the procedure to identify impact issues and potential risks and, if required, formulate and execute Small Ethnic Group Plan (SEGP).*

THE PROJECT AND ITS SOCIAL SAFEGUARD IMPLICATIONS

6. LGSP3 consists of four Components: (a) Inter-governmental Fiscal Transfer for UPs; (b) Accountability and Information Management; (c) Block Grants to Pourashavas, on a Pilot Basis; and (d) Institutional Development, Research, and Project Implementation Support. Of these, SEGPF is required for the fiscal transfers in the form of block grants, as the UPs have been using these grants for the provision of small-scale rural community infrastructures, such as rural roads, culverts, footbridge, drainage, small-scale irrigation facilities, water and sanitation facilities, and the like.

- Component 1 involves formula-based predictable fiscal transfers to UPs which with the 3-year indicative ceiling to facilitate planning;
- Component 2 supports greater accountability and process improvements through annual financial audits and performance assessments of all UPs;
- Component 3 support development of a block grants transfer system for 74 Class C Pourashavas in Divisions classified as poor in the Bangladesh poverty mapping, on a pilot basis; and
- Component 4 supports: (i) Capacity building for UPs, including training for UP functionaries; (ii) Measures to further enhance social mobilization, citizen engagement and governance; (iii) Capacity building for improved public finance management; (iv) Research/studies to provide inputs to reforms for sustainable development goals and

strengthen the UP Wing in the LGD for its expanded functions, and logistical and incremental operating costs associated with project implementation.

7. The ongoing LGSP2 has provided direct fiscal and technical resources to over 97% of the 4498 Union Parishads (UPs) in the country, including those in the Chittagong Hill Tracts that are heavily populated by SEG population. It is envisaged that LGSP3 will also cover all eligible UPs across the country, as well as limited number of *Pourasabhas* that would be brought on a pilot basis under LGSP3. The UPs used the funds -- which were relatively small - - received under previous two LGSPs largely for rehabilitation / improvement / construction of small-scale infrastructure schemes, which included rural roads, culverts, irrigation channels, drainage systems and the like. With the restrictions placed on environmental category-A schemes, as well as private land acquisition and involuntary displacement, these schemes did not have major negative social or environmental impacts.

8. On the other hand, findings of mid-term safeguard compliance assessment suggested that under the previous two phases of LGSP, UPs and communities rehabilitated / built infrastructures, especially culverts and drainage systems that reduced environmental degradation / local pollution created by private industrial entrepreneurs. According to the latest report, a large number of tube-wells for drinking water have been installed, for which people voluntarily offered small pieces of land. Under LGSP3, similar small-scale community infrastructures will be rehabilitated, improved or built anew. The schemes that the *Pourasabhas* might undertake would also be consistent with the guidelines followed by the UPs. Given that the restrictions on schemes which could cause significant negative impacts will remain in practice, LGSP3 is not expected to cause irreversible or long-term environmental and social impacts.

SEGP OBJECTIVES

9. The primary objective is to ensure that infrastructure schemes and other activities undertaken by UPs and *Pourasabhas* and funded by the block grants under LGSP3 do not adversely affect SEGs and that they receive culturally compatible social and economic benefits. This will require UPs and *Pourasabhas* to work with the following strategic objectives:

- Screen all probable scheme sites and their vicinities to determine presence of SEGs and, if so, ensure their direct participation in site selection, design and implementation of all physical works;
- Carefully select development and construction activities and determine their scopes to avoid or minimize, to the extent feasible, adverse impacts;
- Select the scheme sites in terms of prevailing land tenure, such as legal ownership, lease agreements and customary rights, and determine the methods, such as voluntary donation, contribution against compensation, etc., which would be acceptable to the SEGs. (It is to be noted that the ESMF contains specific guidelines for using private and public lands, which are also applicable for SEG Plans.)
- Adopt socially and culturally appropriate measures to mitigate the unavoidable adverse impacts, where SEGs would play the most important role; and
- Wherever feasible, adopt special measures – in addition to those for impact mitigation – to reinforce and promote any available opportunities for socioeconomic development of the affected SEG communities.

DEFINING THE SEG PEOPLES

10. As SEGs, who are indigenous peoples in the Bank's OP 4.10, are found to live in varied and changing contexts, no single definition can adequately capture their diversity. As such, LGD will use the World Bank's guidelines to identify SEGs in particular geographic areas by examining the following characteristics:

- Self-identification as members of a distinct SEG cultural group and recognition of this identity by others;
- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- An indigenous or SEG language, often different from the official language of the country or region.

LEGAL FRAMEWORK FOR SEG PLAN

11. In general, there are two forms of tenure under which the peoples of small ethnic group use lands in the CHT and plains districts. In the plains, where they live in settlements alongside mainstream communities are generally assumed to have legal titles to the lands they use for living and livelihood. On the contrary, prevalence of customary tenure, which is administered by traditional SEG institutions, is still likely to be the most prominent form of tenure in the three CHT districts. Only the SEGs living in and around the urbanized district and upazila headquarters are likely to have titles to the lands they use for residential purposes. Yet the lands in the vicinities that many SEGs use for agricultural and other forms of productive purposes are most likely to be under customary tenure. Away from the urban centers -- and more and more into the interiors -- all lands that SEGs use are under customary tenure. By all likelihood, mitigation of adverse impacts on SEGs, regardless of wherever they live, will be based on (i) legal rights to the lands used for living and livelihood, and (ii) the customary rights as presently prevail.

12. The present Bangladesh *Acquisition and Requisition of Immovable Property Ordinance, 1982*, does not recognize the customary rights and, as a result, the SEGs are not legally entitled to compensation for loss of lands or anything of value, including homesteads (home-lots, houses/structures, etc.). In this regard, it is extremely important to note that the lands being used under customary tenure are most likely to be recorded as *khas*, meaning public lands under the ownership of Land Ministry or other ministries and departments. Considering general vulnerability of SEGs everywhere, LGD/UPs/Pourasabhas would strictly adhere to the following guidelines while selecting the scheme sites:

- Will not displace SEG households from the present homesteads -- even if they are located on lands under customary tenure -- and isolate any household from others who have been living together in the same settlement, in order to protect their social relationships and support networks. *This will apply irrespective of wherever they live -- in the plains or CHT districts and regardless of tenures under which they use the lands for living.*
- In cases where the lands are under customary tenure, LGD/UPs/Pourasabhas will try to identify a scheme site that is not under any use by SEGs.

- *To use private and public lands and avoid or minimize adverse impacts on SEGs with legal title, LGD/UPs/Pourasabhas will apply the same guidelines, such as voluntary donation, contribution against compensation, etc., proposed in the ESMF for using such lands.*
- *To use lands under customary use, LGD will work out the impact mitigation measures in close consultations with the SEGs, with the provisions that they do not become economically worse-off and their traditional/cultural ways of life remain protected.*

13. Choice of appropriate and culturally compatible development measures will largely depend on preferences and priorities of the affected SEGs and their communities, as suggested during consultations. Such measures may include providing credits where SEGs are found to engage in the production of marketable goods, such as handicrafts, handlooms, small-scale horticulture; employment in construction and maintenance activities; basic water supply and sanitation facilities; and those, such as schools, that could be used by the communities as a whole. If credit programs are found appropriate, MOHFW will call upon civil society organizations like NGOs to organize and administer them.

PREPARATION OF SEG PLAN

14. Consistent with the Bank requirements, LGD proposes the following principles, guidelines and procedure to prepare SEG Plans, where schemes are likely to affect SEGs. To avoid or minimize adverse impacts and, at the same time, ensure culturally appropriate benefits, LGD will apply the following basic principles in site selection for land-based schemes, and their design and implementation.

SEGP Basic Planning Principles

15. Whenever a decision is made to undertake an infrastructure scheme in a Ward inhabited by SEGs and implementation of the civil works is likely to affect them adversely, LGD/UP/Pourasabhas will:

- Ensure that small ethnic communities in general and their organizations are fully included in the selection of particular land-based schemes and design and implementation of the civil works.
- Carefully screen the scheme activities, together with SEGs, for a preliminary understanding of the nature and magnitude of potential adverse impacts, and explore alternatives to avoid or minimize them. (A Social Safeguard Screening Form is provided in *Annex I*)
- Where alternatives are infeasible and adverse impacts are unavoidable, immediately make an assessment of the key impact issues, together with SEGs and others knowledgeable of this SEG culture and concerns.
- Undertake the necessary tasks to identify the impact details and the most appropriate mitigation measures, through intensive consultations with the affected persons of the SEG communities, SEG organizations, civil society organization like NGOs and CBOs, professionals, and the like.
- *Not undertake schemes where the SEG communities remain unconvinced to offer broad based community support for the scheme (see details below).*

SEG PARTICIPATION AND CONSULTATIONS

16. Participation of SEGs in selection, design and implementation of the scheme activities will largely determine the extent to which the SEGP objectives would be achieved. Where adverse impacts on SEGs are likely, LGD will undertake free, prior and informed consultations with the affected SEG communities and those who work with and/or are knowledgeable of SEG development issues and concerns. To facilitate effective participation, LGD will follow a time-table to consult the would-be affected SEG communities at different stages of the scheme selection, design and implementation process. *The primary objectives are to examine whether there is broad community consensus in support of the scheme and to seek SEG community inputs / feedbacks to avoid or minimize the adverse impacts associated with the chosen schemes/sites identify the impact mitigation measures; and assess and adopt economic opportunities which LGD could promote to complement the measures required to mitigate the adverse impacts.*

17. Consultations will be broadly divided into two parts. Prior to selection of a scheme and its site in an area predominantly inhabited by SEGs, LGD will consult the SEG communities about what are needed for the scheme and the probable positive and negative impacts associated with them. Prior to detailed assessment of the impacts at household and community levels, the main objectives of consultation at this stage would be to ascertain,

- How the SEG communities in general perceive of the need for undertaking the scheme in question and any inputs/feedbacks they might offer for better outcomes;
- Whether or not the communities broadly support the proposed scheme works for development; and
- Any conditions based on which the SEG communities may have provided broad-based support to the proposed scheme, which are to be addressed in project design and SEGP

18. To ensure free, prior and informed consultation, LGD will:

- Ensure widespread participation of SEG communities with adequate gender and generational representation; customary/traditional SEG organizations; community elders/leaders; civil society organizations like NGOs and CBOs; and groups knowledgeable of SEG development issues and concerns.
- Provide them with all relevant information about the nature of development and land-based construction activities, including those on potential adverse impacts, and organize and conduct these consultations in a manner to ensure full coverage of SEGs in the scheme locales and free expression of their views and preferences.
- Document and share with the World Bank the details of all community consultation meetings, with SEG perceptions of the proposed scheme works and the associated impacts, especially the adverse ones; any inputs/feedbacks offered by SEGs; and the minutes stating the conditions that may have been agreed during the consultations and provided the basis for *broad base community support* for the proposed scheme.

19. Once a broad-based community consensus is established in favor of the scheme, LGD will assess the impact details at the household and community levels, with particular focus on the adverse impacts perceived by the SEGs and the probable (and feasible) mitigation and community development measures. To ensure continuing informed participation and more focused discussions, LGD will provide SEGs with the impact details -- both positive and negative -- of the proposed scheme activities. Other than those that are technical in nature,

consultations will cover topics/areas suggested under paragraph 13 (above) and those the SEGs consider important. Beginning with those for broad base support for the project, community consultations will continue throughout the preparation and implementation period, with increasing focus on the households which would be directly affected. Consultation timing, probable participants, methods, and expected outcomes are suggested in a matrix in *Annex 2*.

CONTENTS OF SEG PLAN

20. The SEGP will primarily aim at mitigating adverse impacts, and reinforcing and promoting any existing development opportunities around the scheme location, with particular emphasis on the SEGs who would be directly affected. The contents of the SEGP will generally consist of the following:

- Baseline data and impacts, including analysis of cultural characteristics; social structure and economic activities; land tenure; customary and other rights to the use of natural resources; relationship with the local mainstream peoples; and other factors that have been suggested by SEGs during consultations and are to be addressed in the SEGP and scheme location and design. (Key areas of investigation are also suggested below.)
- Strategy for local consultation, indicating timing of consultation and the participants, such as affected SEG communities and organizations, and individuals and entities that could provide useful feedbacks and inputs.
- Mitigation measures and activities, which will generally follow SEG preferences and priorities, including those agreed between the SEG communities/organizations and LGD.
- Institutional capacity, taking into account UP capacity and experience, and SEG and civil society organizations in designing and implementing SEGPs.
- SEGP implementation schedule, taking into consideration minimizing disruption to the livelihood and other activities of SEGs.
- Monitoring and evaluation, with participation of SEG representatives and organizations, as well as other civil society organizations that may have been operating in areas populated by SEGs.
- Financing the SEGP. Budgets and sources of funds required to implement the mitigation measures and development activities that may have been agreed between the SEGs and LGD.

SEG SOCIOECONOMIC CHARACTERISTICS & CONCERNS

21. Baseline data and identification of social concerns will primarily focus on the cultural and socioeconomic characteristics of SEGs and the potential vulnerability that might be caused by the proposed scheme and its scope of work. Data on the following socioeconomic characteristics are expected to indicate the nature and scale of adverse impacts and provide the essential inputs for SEGP.

22. Social & Cultural Characteristics

- Relationships with areas where they live -- relating to religious/cultural affinity with the ancestral lands, existence and use of livelihood opportunities, etc.
- Use of any languages for social interactions and their use in reading materials and for instruction in formal/non-formal educational institutions in SEG localities.

- Food habits/varieties that may differ from mainstream peoples and the extent to which they are naturally available for free or can only be grown in the SEG territories, and which are considered important sources of protein and other health needs of SEGs.
 - Interactions and relationships with other SEGs in the same and other areas.
 - Presence of customary social and political organizations – characteristics indicating internal organization and cohesion of the communities, and their interaction with those of the mainstream population in these areas.
 - Presence of SEG organizations, like community based organizations (CBOs) / NGOs, working with SEG development issues, and their relationships with the mainstream organizations engaged in community development activities.
 - Other cultural aspects likely to be affected or made vulnerable by the proposed scheme.
23. Settlement Pattern/Organization
- Physical organization of homesteads – indicating organizational patterns with the existing community facilities, such as schools, places of worship, cremation/burial grounds and others, water supply and sanitation, etc.
 - The extent to which the SEG settlements/neighborhoods are spatially separated from those of the mainstream peoples, indicating interactions and mutual tolerance of each other.
 - Present distance between the SEG settlements/neighborhoods and the selected site for the infrastructure scheme.
24. Economic Characteristics
- Prevailing land tenure -- indicating legal ownership and other arrangements that allow SEGs to reside in and cultivate or otherwise use lands in the selected scheme site and the general area.
 - Access to natural resources -- prevailing conditions under which SEGs may have been using natural resources like forests, water bodies, and others that are considered important sources of livelihood.
 - Occupational structure -- indicating relative importance of the households' present economic activities, and the extent to which they might be affected or benefited because of the proposed scheme.
 - Level of market participation -- engagement in activities that produce marketable goods and services, and how and to what extent market participation would be affected or enhanced by the scheme activities.

IMPACT MITIGATION & DEVELOPMENT MEASURES

25. Impacts mitigation related to displacement from lands will be considered in terms of tenure: (i) legal rights to the lands used for living and livelihood, and (ii) customary rights as presently practiced. Pending social screening of the actual sites selected for schemes, it is generally assumed that most SEGs living in the plains districts, who live in settlements among the mainstream communities, are likely to have tenure of the first kind. Prevalence of customary tenure, which is administered by traditional SEG institutions, is still likely to be the most prominent form of tenure in the CHT districts. Only the SEGs living in and around the urbanized district and upazila headquarters are likely to have titles to the lands they use for residential purposes. Yet the lands in the vicinities that many SEGs use for agricultural and

other forms of productive purposes are most likely to be under customary tenure. Away from the urban centers -- and more and more into the interiors – all lands that SEGs use are under customary tenure.

26. The present Bangladesh *Acquisition and Requisition of Immovable Property Ordinance, 1982*, does not recognize the customary rights and, as a result, the SEGs are not legally entitled to compensation for loss of lands or anything of value, including homesteads (home-lots, houses/structures, etc.). As noted earlier, the lands that are being used under customary tenure are likely to be recorded as khas, meaning public lands under the ownership of the Land Ministry or other ministries and departments. Considering general vulnerability of SEGs everywhere, LGD/UPs/Pourasabhas will select the scheme sites according to the following guidelines (in addition to those described in paragraph 13 and SEG consultations above):

- Will not displace SEG households from their present homesteads and isolate any of them from other households that have been living together in the same settlement, in order to protect their social relationships and support networks. This will apply irrespective of wherever they live – in the plains or CHT districts and regardless of tenures under which they use the lands for living.
- In cases where the lands are under customary tenure, will try to identify a scheme site on lands that are not under use by SEGs. In order to ensure this, LGD will verify the exact situation on the ground, instead of relying only on the UPs/Pourasabhas.
- *To use private and public lands and avoid or minimize adverse impacts on SEGs with legal titles, LGD will apply the same guidelines proposed in the Environment and Social Management Framework (ESMF).*

27. Choice of appropriate and culturally compatible development measures will largely depend on preferences and priorities of the affected SEGs and their communities, as suggested during consultations. Such measures may include providing credits where SEGs are found to engage in the production of marketable goods, such as handicrafts, handlooms, small-scale horticulture; employment in construction and maintenance activities; basic water supply and sanitation facilities; and those, such as schools, that could be used by the communities as a whole. If credit programs are found appropriate, LGD will call upon civil society organizations like NGOs to organize and administer them.

SEGPF AND SCHEME IMPLEMENTATION & MONITORING ARRANGEMENT

28. Wherever necessary, SEG Plans will be prepared and implemented through the same arrangement proposed for the ESMF. Ward Committees (WCs), which will consist of members representing different socioeconomic groups, including SEGs, will select schemes in open meetings and implement those that are cleared by the UPs. A Scheme Supervision Committee (SSC) will be formed in each Union and Pourasabhas which will supervise safeguard screening of the selected schemes and their implementation. *The UP Chairman and Secretary will not be member of any of these committees, and no one can be member of more than one committee. That is, the same person cannot be simultaneously a member of WC and SSC.*

29. The safeguards performance of WCs and SSCs will be monitored and evaluated in line with the LGSP3 Monitoring and Evaluation requirements as detailed in the ESMF. The LGD will appoint a full-time Environment and Social Safeguards Consultant. He/she will review

safeguards performance along with the government counterparts, such as Deputy Director, Local Government (DDLG) and District Facilitator Team (DFT) based at the district level. The Screening form (*Attachment 1*) for each Scheme will be filled in by the WC and keep it in the Scheme file at the UP office. The SSC will review the screening results and verify them on the ground, and help to resolve any issues faced by the concerned WC. The SSC will also undertake monthly inspection of implementation progress and eventually prepare the implementation completion reports (by using Attachments 1B and 1C provided in the ESMF). All filled-in forms will be available in the respective scheme files kept in the UP and Pourasabha offices for review by performance auditors and other stakeholders.

GRIEVANCE REDRESS MECHANISM (GRM)

30. LGD will develop a GRM to address grievances and complaints about any irregularities in the implementation of the provisions adopted in the ESMF and SEGPF. The primary objectives are to amicably resolve any issues, which may range from selection of WC, SSC and other committee members to those that may arise during scheme selection, design and implementation, as well as to ensure greater accountability on the parts of those involved in supervision and monitoring of the project. Benefits of the GRM are seen as timely completion of the schemes, with no one left aggrieved in the community.

31. Each UP/Pourasabha will form a Grievance Redress Committee (GRC) with five members who are respected in the Union for their personal integrity, impartiality and fairness. At least one of the members will be female, who will be selected from those with experience of working outside the household.

32. A designated member of the GRC will receive grievances, which are to be submitted in writing, and give the aggrieved persons written evidence that the grievances have been received by the GRC. Hearing will take place in two weeks or earlier depending on the nature of the complaints and urgency of resolution. In this process, all unresolved cases will be forwarded to respective DDLG with the complaints and minutes of hearings at the GRC level. DDLG will complete review of the cases in one week and send his/her decisions to the respective GRCs. If the decisions at this level remain the same as those at GRC level, the DDLG will forward the complaints to LGD (NPD of LGSP3, who will make the final decisions) with the complaints and minutes of the previous hearings. Review and decisions at this level will be completed in no more than two weeks. *Decisions made at any level of hearings will be binding on UPs and Pourasabhas. And it is important to note that GRM does not pre-empt an aggrieved person's right to go to courts of law.*

33. The DDLG will monitor the GRM, with information on the number and types of grievances received, heard and resolved in favor or against the complainants on a quarterly basis and share them with UPs, Pourasabhas and LGD, and disclose them in LGD website. On their parts, the UPs and Pourasabhas will send quarterly report to the respective DDLGs about the GRC hearings and resolutions. The DDLGs, supported by the DFTs, will keep records of all complaints, including complainants' names, addresses, issues/contents of the complaints, hearing outcomes at different levels, decisions made in favor or against the complainants. A more detailed biannual updated summary of the complaints and grievances will be posted on the LGSP3 website.

PUBLIC DISCLOSURE OF SEGPF

34. The SEGPF and all mitigation plans will be subjected to WB review and clearance *prior* to public disclosure. After receipt of the Bank clearance, LGD will disclose Bangla translation of this SEGPF to the public in Bangladesh by posting it in its website, and authorize the World Bank to disclose it at its Country Office Information Center and in its Infoshop. LGD will also ensure that copies of the translated document are made available at its headquarters, DDLG offices in the districts; UP, Poursabha and Upazila Parishad offices, and at other places that are easily accessible to the general public -- especially to the SEGs. As to disclosure, LGD will inform the public through notification in two national newspapers (Bangla and English) about the SEGPF and where it could be accessed for review and comments.

Attachment 1

SOCIAL SAFEGUARD SCREENING FORM

**[This form is to be filled in by Ward Committee and Scheme Supervision Committee
and kept in the Scheme file]**

Screening Date:

Name of District: Name of Upazila:

Name of Union:; Ward No.:

Name of Ward Committee Chair:

Names of Ward Committee Members participated in Screening:

.....
.....
.....

Names of Other Community Members Participated in Screening:

.....
.....

Names of SSC Member, if any, Participated in Screening:

.....

Part A: GENERAL INFORMATION

1. Name/location of the Scheme:

2. Use of the Scheme:

3. The Scheme is located in an area (ward or part of a ward) where residents are:

☐ All mainstream or non-Small Ethnic Group (SEG) peoples

☐ All SEG peoples

☐ Majority mainstream or non-SEG peoples

☐ Majority SEG peoples

4. Nature of Scheme ☐ New construction ☐ Improvements ☐ Repair/Renovation
Works:

5. Description of the physical works:

.....
.....

Part B: SOCIAL ISSUES

6. Will there be a need for additional lands to carry out the intended works under this Scheme?

☐ Yes ☐ No

7. If 'Yes', the required lands presently belong to:

☐ Government (*Khas*, other GOB agencies, UPs -- Public Lands)

☐ Private citizens

8. If the required lands are Public Lands, the lands are presently used for:

☐ Agriculture (No. of persons/households using the lands:)

☐ Residential purposes (No. of households living on them:)

☐ Commercial purposes (No. of persons: No. of shops:)

9. If the required lands belong to the private citizens, the lands are presently being used for:

☐ Agriculture (No. of landowners/households:)

☐ Residential purposes (No. of households:)

☐ Commercial purposes (No. persons: No. of shops:)

10. Number of non-titled persons/households who would lose their livelihood because of eviction from public lands and/or from those obtained on voluntary contribution, "contribution against compensation" or other means:

11. Does this Scheme affect any community groups' access to any resources that they use for livelihood?

☐ Yes ☐ No

12. If additional lands are required, they will be obtained through:

☐ Voluntary contribution

☐ Contribution against compensation

☐ Other means (Specify):

Additional Information on SEG Peoples (SEGs)

(In addition to the information sought under Part A: General Information)

13. Names of SEG community members and organizations which participated in Social Screening:

.....
.....

14. Is there a *traditional* grievance redress mechanism (GRM) in the Scheme locality?

☐ Yes ☐ No

If 'Yes', did any member of this GRM participated in Social Screening?

☐ Yes ☐ No

15. The would-be affected SEGs have the following forms of rights to the required lands:

- ☐ Legal (No. of SEG persons/households:)
- ☐ Customary (No. of SEG persons/households:)
- ☐ Lease agreements with the government (No. of SEG households:)
- ☐ Others (Specify):(No. of SEG households:)
16. The following are the three main economic activities of the would-be affected SEG households:
- a.
- b.
- c.
17. Any social concerns expressed by SEG community and organizations?
-
-
-
18. The SEG community and organizations perceive the social outcomes of the Scheme:
- ☐ Positive
- ☐ Negative
- ☐ Neither positive nor negative
19. *In respect of the social impacts and concerns, is there a need to undertake an additional impact assessment study?*
- ☐ Yes ☐ No

~~~~~

***This form filled in by (Name):*** .....

***Signature:*** .....

***Date:*** .....

***---The part below will be filled in by SSC after review of the Screening Form ---***

1. The WC has screened this Scheme: ☐ Once ☐ Twice ☐ Thrice
2. If screened more than once, the reasons were: .....
- .....
- .....
- .....

3. The SSC visited the scheme site to verify the information provided in this Screening Form:

☐ yes ☐ No

4. The scheme truly represents community preference: ☐ Yes ☐ No

5. The scheme complies with the *List of Schemes with Negative Environmental and Social Attributes*?

☐ Yes ☐ No

6. The information provided in this Form is accurate: ☐ Yes ☐ No

7. SSC comments/observations on this Scheme: .....

.....

.....

.....

***This part of form filled in by (Name of the SSC member):*** .....

*The following SSC members took part in reviewing the screening information:*

Name: ..... Signature..... Date: .....

Name: ..... Signature..... Date: .....

Name: ..... Signature..... Date: .....

Name: ..... Signature..... Date: .....

Name: ..... Signature..... Date: .....

Name: ..... Signature..... Date: .....

Name: ..... Signature..... Date: .....

## Annex 2

### SEG CONSULTATION MATRIX

| <b>Timing</b>                                                                                                        | <b>Consultation Participants</b>                                                                    |                                                                                                                | <b>Consultation Method</b>                                                                                                      | <b>Expected Outcome</b>                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                      | <b>Project Authority</b>                                                                            | <b>SEG Community</b>                                                                                           |                                                                                                                                 |                                                                                                                                                                                                     |
| <b><i>Reconnaissance of Scheme sites under consideration</i></b>                                                     | LGD/UP/Poura sabha, NGOs/CBOs and others working with SEG issues                                    | SEG Communities, including SEG organizations, community leaders/elders                                         | Open meetings & discussions, visit of SEG settlements & surroundings                                                            | <i>First-hand assessment of SEGs' perception of potential social risks and benefits, and prospect of achieving broad base support for the scheme/subproject</i>                                     |
| <b><i>Preliminary Screening of the Scheme sites &amp; off-site support infrastructures</i></b>                       | LGD/UP/Poura sabh, NGOs/CBOs and others working with SEG issues                                     | SEG Communities, including would-be affected SEGs, SEG organizations, community leaders/elders, key informants | Open meetings, focus group discussions, spot interviews, etc.                                                                   | <i>Identification of major impact issues, feedback from SEGs communities and would-be affected persons/households, and establishing broad base community support for the subproject</i>             |
| <b><i>Feasibility Study taking into consideration, inter alia the conditions that led to community consensus</i></b> | LGD/UP/Poura sabha, project consultants (Social Scientists), NGOs/CBOs, other knowledgeable persons | Would-be affected SEGs, SEG organizations, community leaders/elders, key informants                            | Formal/informal interviews; focus group discussions; hotspot discussion on specific impacts, alternatives, and mitigation; etc. | <i>More concrete view of impact issues &amp; risks, and feedback on possible alternatives and mitigation measures; inventory of common property resources; and information on other key impacts</i> |
| <b><i>Social Impact Assessment</i></b>                                                                               | LGD/UP/Poura sabha, project consultant (Social Scientists)                                          | Adversely affected individual SEGs/households                                                                  | Structured survey questionnaires gathering quantitative & qualitative information                                               | <i>Inputs for SEGP, and identification of issues that could be incorporated in engineering design</i>                                                                                               |
| <b><i>Detailed Design</i></b>                                                                                        | LGD/UP/Poura sabha, project consultant (Social Scientists) and other stakeholders                   | SEG organizations, community leaders/elders, adversely affected SEGs                                           | Group consultations, hot spot discussions, etc.                                                                                 | <i>Preparation of SEGP, and incorporation of SIA inputs into engineering design to avoid or minimize adverse impacts, and SEG development programs</i>                                              |
| <b><i>Implementation</i></b>                                                                                         | LGD/UP/Poura sabha, project consultant (Social Scientists) & other stakeholders                     | Individual SEGs and their organizations, community leaders/elders & other stakeholders                         | Implementation monitoring committees (formal or informal)                                                                       | <i>Quick resolution of issues, effective implementation of SEGP</i>                                                                                                                                 |

|                                           |                                                                                                       |                                                    |                                              |                                                                                                |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------|------------------------------------------------------------------------------------------------|
| <b><i>Monitoring &amp; Evaluation</i></b> | LGD/UP/Poura<br>sabha, World<br>Bank, project<br>consultant<br>(Social<br>Scientists),<br>NGOs & CBOs | SEG<br>organizations/<br>groups and<br>individuals | Participation in<br>review and<br>monitoring | <i>Identification &amp; resolution of<br/>implementation issues,<br/>effectiveness of SEGP</i> |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------|------------------------------------------------------------------------------------------------|